

## Remarks

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Proposed changes in the drawings are included on the attached drawing pages highlighted in red. The two views of Figure 3 have been changed to Figures 3a and 3b.

The rejection of claims 4-13 under 35 U.S.C. 103(a) as being unpatentable over Frankel in view of Funk is respectfully traversed. The one piece nature of the Frankel shelf is disputed. The collar 48 (which is not clearly shown in the drawings), the clamp 50 and the apertures for receiving screws 52 cannot be made with the shelf in one piece. No mold will produce such a configuration. In contrast, Applicant's shelf can be and is made in a single piece so that no other shelf element is needed for it to operably function. In addition, the Frankel heel support means 62 is an essential part of the Frankel shelf in order that the Frankel shelf function as intended. The support means 62 is needed to provide space for a greater number of shoes than could be accommodated without it and to insure proper ventilation around the stored shoes to resist mildew. See column 3, lines 38-42. Without question the support means is an essential part of the shelf and cannot be made integral with the shelf. It is recited in every Frankel claim.

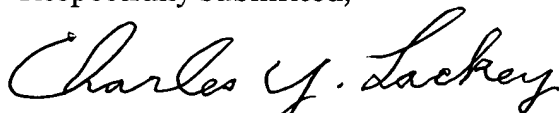
The first embodiment of clamp 50 is tightened and loosened by a set screw 52 outside shaft 18. The alternative embodiment of clamp 50a is tightened and loosened by set screw 52a tightened against shaft 18. In Applicant's shelf,

securement to post 58 (Fig. 14) is by a pin extending through post 58 and held in place by the pin-receiving indent portions making up indent 56 (Fig. 13). The one piece formation of Applicant's shelf makes this feature possible. Applicant's claims include these features.

The Funk patent discloses a tube support 1 to which is fastened a bracket assembly 2 by a bolt and nut 6 extending through support 1. The nut is required to keep the bolt in place. There is no structural feature included in this configuration as there is in Applicant's shelf (the post-securing indent which is a rectangularly shaped recess communicating with the post-receiving opening) to hold the pin operably in place without a nut or securing clip. The claims include these distinctions.

It is believed that the claims clearly distinguish over the references cited and applied by the Examiner. Accordingly, it is respectfully requested that the rejection be withdrawn and a Notice of Allowance be issued.

Respectfully submitted,



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## Version with Markings to Show Changes Made

### Amendments in the Specification:

In accordance with 37 CFR 1.121(b), the following replacement paragraphs show all the changes made by the foregoing amendment relative to the previous versions of the paragraphs.

Cancel the old Abstract and enter the following new Abstract:

A rotary shelf assembly mechanism [having] has shelves mounted on a vertical post arrangement formed by a first lower post and a second upper post. The mechanism is connected to a cabinet frame by upper and lower mounting brackets interacting with the top and bottom of the cabinet frame to support the posts and shelves carried thereby. The mechanism is mounted in the corner of the cabinet interior. To fit the mechanism within the cabinet, a height adjustment device is formed by positioning the [a] second upper post in the upper end of [a] the first [vertical] lower post for slidable movement [therein] therebetween. When securement of the two joined posts and mounted shelves is desired, the slidable movable second upper post is extended upwardly until it engages the upper mounting bracket. An elongated recess in the second upper posts aligns with an opening in the first [vertical] lower post, and a [to receive] threaded member extends into a casting member positioned within the upper post. The screw is tightened to engage the casting and secure the two posts in a shelf-retaining and rotational mode. The height adjustment device enables [the assembly to be quickly and efficiently mounted] quick and efficient installation of the mechanism within the cabinet interior. A one piece shelf construction having

a post-securing section and a shelf retaining element for securing each shelf to the post arrangement [is] are also included.

**Amendments in the Claims :**

In accordance with 37 CFR 1,121(c), the following versions of the claims as rewritten by the foregoing amendment show all the changes made relative to the previous versions of the claims.

4. (three times amended) A rotary shelf assembly mechanism comprising: [post means] a vertical post arrangement; first and second mounting brackets spaced apart from and opposing each other supporting the post [means] arrangement; at least one single piece shelf connected to the post [means] arrangement, the post [means] arrangement having pin-receiving apertures at the location of each of the at least one [supported] connected shelf, each of the at least one single piece shelves having an integral post-securing section including a hub and a pin-receiving indent within the hub; and a pin extending through the post arrangement pin-receiving apertures and cooperatively received and retained by the [integral post securing section] pin-receiving indent of the at least one shelf to secure the at least one shelf to the post [means] arrangement.

5. (three times amended) The mechanism as claimed in claim 4 wherein the pin is [a cylindrically formed segment of flat metallic material] an elongated element having first and second ends and the pin-receiving indent engages at least one of the pin ends when the pin operably secures the at least one shelf to the post arrangement.

6. (three times amended) The mechanism as claimed in claim 4 wherein the post [means] arrangement includes a first lower post having first and second ends and a second upper post having first and second ends and sized to be telescopically received within the second end of the first post and having an elongated recess extending longitudinally to the axis of the second post, the first post having an aperture; and a mating element extending through the first post aperture into the [second] elongated recess of the second post to secure the second post with the first post to join the posts and insure connected post rotation.

7. (three times amended) The mechanism as claimed in claim 6 wherein the pin is [a cylindrically formed segment of flat metallic material] an elongated element having first and second ends and the pin-receiving indent engages at least one of the pin ends when the pin operably secures the at least one shelf to the post arrangement.

8. (three times amended) The mechanism as claimed in claim [4] 7 wherein the [post means includes first and second posts, the first post having an aperture, the second post having an elongated recess; and a mating element extending through the first post aperture and into the second post elongated recess to secure the second post with the first post to join the posts and insure connected post rotation] pin-receiving indent includes a post-encircling sleeve and at least one pin-receiving indent portion connecting with the post-encircling

sleeve to cooperatively receive the pin within the at least one indent portion and the post-encircling sleeve and through the post arrangement pin-receiving apertures and the post.

9. (three times amended) The mechanism as claimed in claim [5] 7 wherein the [post means includes first and second posts, the first post having an aperture and the second post having an elongated recess; a mating element extending through the first post aperture and into the second post elongated recess to secure the second post with the first post and thereby join the posts and insure connected post rotation] pin-receiving indent includes a post-encircling sleeve to cooperatively receive the pin within the at least one indent portion and the post-encircling sleeve and through the post arrangement pin-receiving apertures and the post.

Cancel claim 10.

11. (three times amended) The mechanism as claimed in claim 4 wherein the hub of the at least one single piece shelf [each of the single piece shelves is formed with a hub having] has a post-receiving opening and the post securing indent is a rectangularly shaped recess communicating with the post-receiving opening, the post [means] arrangement having diametrically aligned apertures at each of the at least one shelf positions [shelf position], and the pin is cooperatively received by the shelf hub, the post securing indent [rectangularly

shaped recess] and the post diametrically aligned apertures to secure the at least one shelf to the post.

12. (three times amended) The mechanism as claimed in claim 11 wherein the pin is [cylindrically formed segment of flat metallic material] an elongated element having first and second ends and the pin-receiving indent engages at least one of the pin ends when the pin operably secures the at least one shelf to the post arrangement.

13. (three times amended) The mechanism as claimed in claim [12] 7 wherein the [post means includes first and second posts, the first post having an aperture and the second post having an elongated recess; and a mating element extending the first post aperture and into the second post elongated recess to secure the second post with the first post and insure connected rotation post rotation] pin-receiving indent includes a post-encircling sleeve and at least one pin-receiving indent portion connecting with the post-encircling sleeve to cooperatively receive the pin within the at least one pin-receiving indent portion and the post-encircling sleeve and through the post arrangement pin-receiving apertures and the post, and the hub of the at least one single piece shelf has a post-receiving opening and the post-securing indent is a rectangularly shaped recess communicating with the post-receiving opening, the post arrangement has diametrically aligned apertures at the at least one shelf position and the pin is cooperatively received by the at least one shelf hub, the post-securing indent and

the post diametrically aligned apertures to secure the at least one shelf to the post arrangement.



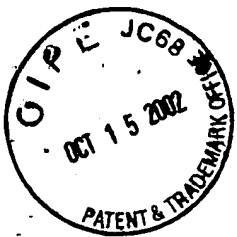
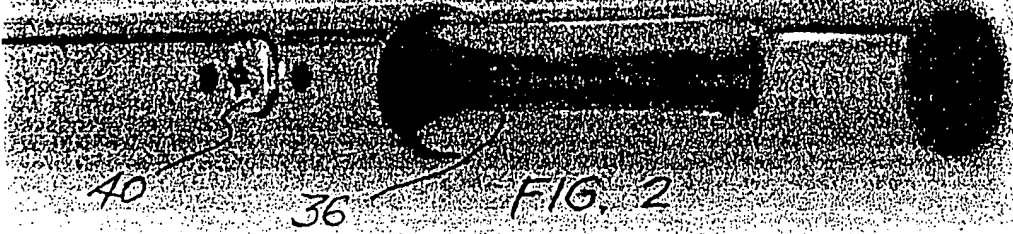


FIG. 1

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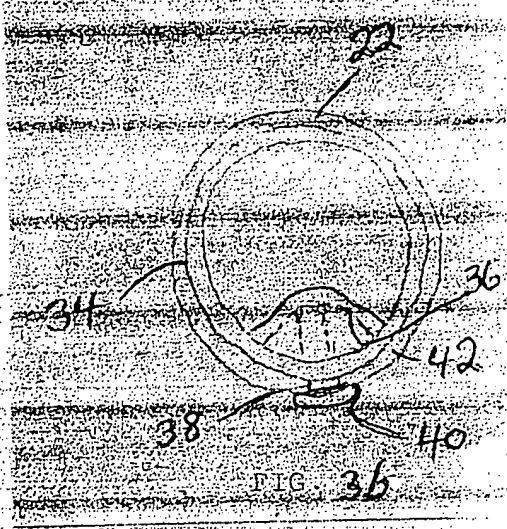


FIG. 3a

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